

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAMUEL JOHNSON,

Plaintiff,

v.

WALMART INC. and WAL-MART
STORES EAST I, LP,

Defendants.

No. 4:22-cv-00757-AGF

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006).

The complaint in this case asserts that the Court has jurisdiction over the action pursuant to 28 U.S.C. § 1332 because the lawsuit is between citizens of different states and the amount in controversy exceeds \$75,000. The complaint alleges that Plaintiff is a resident of Washington County, Missouri; that “Defendant, Walmart, Inc. is a publicly traded company with its headquarters located at 702 S.W. 8th St. Bentonville, AK 72716”; and that “at all times material hereto, Defendant, Wal-Mart Stores East, LP was a, Arizona limited partnership with its headquarters located at 702 S.W. 8th St. Bentonville, AK 72716.” ECF No. 1, Compl., at ¶¶ 1-2.

Under 28 U.S.C. § 1332(c)(1), a corporation such as Walmart, Inc. is a citizen of *both* its state of organization and its principal place of business. 28 U.S.C. § 1332(c)(1). A limited partnership like Wal-Mart Stores East, LP is a citizen of every state of which each of its partners, both general and limited, is a citizen. *See Buckley v. Control Data Corp.*, 923 F.2d 96, 97 (8th Cir. 1991). Further, “if any partner is itself a partnership or limited liability company, then the identity of each member of each of these entities must be traced until we reach a corporation or natural person.” *West v. Louisville Gas & Elec. Co.*, 951 F.3d 827, 829 (7th Cir. 2020).

Thus, in order to properly plead complete diversity of citizenship in this case, Plaintiff must plead: (1) Walmart, Inc.’s state of organization, in addition to its principal place of business; and (2) the citizenship of each partner, both general and limited, of Wal-Mart Stores East, LP, traced through as appropriate. Plaintiff has not done so, and it is not clear from the complaint whether, for example, any partner of Walmart Stores East, LP is a citizen of Missouri, which would destroy diversity.

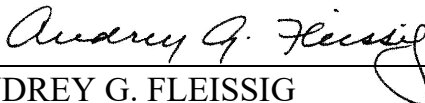
The Court will grant Plaintiff seven days to file an amended complaint that alleges facts showing the existence of the requisite diversity of citizenship of the parties. If Plaintiff fails to timely and fully comply with this Order, the Court may dismiss this matter without prejudice for lack of subject matter jurisdiction.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that, within **ten (10) days from the date of this Order**, Plaintiff shall file an amended complaint that alleges facts establishing the

citizenship of each party. If Plaintiff fails to timely and fully comply with this Order, this matter may be dismissed without prejudice for lack of subject matter jurisdiction.

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AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 21st day of July, 2022.